

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DAN MILLER, AS SPECIAL	)	
ADMINISTRATOR FOR THE ESTATE	)	
OF HANK MILLER, DECEASED,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. 22-cv-164-RAW
	)	
	)	
B.J. HEDGECOCK, IN HIS	)	
OFFICIAL CAPACITY AS SHERIFF	)	
OF PUSHMATAHA COUNTY,	)	
STATE OF OKLAHOMA, ET AL.,	)	
	)	
Defendants.	)	

VIDEOCONFERENCE DEPOSITION OF  
BYRON DALE "B.J." HEDGECOCK, JR.  
TAKEN ON BEHALF OF THE PLAINTIFF  
LOCATED IN MCALESTER, OKLAHOMA  
ON OCTOBER 8, 2024

REPORTED BY: JANA C. HAZELBAKER, CSR

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1 Q Are there any other employees that are  
2 allowed to make hiring or firing decisions without  
3 consulting you?

4 A On the hiring or firing, everybody will  
5 consult me first.

6 Q Gotcha. And in terms of assembling the  
7 paperwork for you to make the decision about hiring  
8 or firing, who has -- can people do that without  
9 consulting you?

10 A Yes. It would be the undersheriff and  
11 Captain Goode.

12 Q Okay. And they have final authority over  
13 what to do in that regard?

14 A Yes.

15 Q Okay. And then you will take the  
16 information that they compile and then you will make  
17 a decision about what to do?

18 A Yes, sir.

19 Q Okay. What does your hiring process look  
20 like?

21 A Well, they'll go through their references  
22 and their background and they'll visit with them.  
23 Then they'll come to me and say whether they think  
24 they're suitable to -- that they'd make us a good  
25 road deputy or not.

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1 Q Okay. And then what information is  
2 available to you to make that decision?

3 A Well, they'll give me the application and  
4 what they -- and they'll sit in the office and  
5 basically brief me and tell me exactly what they  
6 think. I respect their opinions.

7 Q Got it. Okay. So basically the material  
8 that they look at, they'll package it up and give it  
9 to you so that you can look at it as well?

10 A Yeah. They'll build a personnel file.

11 Q Okay. Got it. And are there any, like,  
12 written guidelines or policies that provide any type  
13 of guidance on what needs to be done when you're  
14 assembling or creating a personnel file?

15 MR. POE: Object to the form. Time frame.  
16 Go ahead.

17 THE WITNESS: There is a process we have in  
18 place now, but that time period we -- at this time,  
19 when we first started office, no, there wasn't a  
20 written-out schedule.

21 Q (By Mr. Bryan) Okay. But you say now there  
22 is?

23 A Yes, sir.

24 Q Okay. When did that change?

25 A My undersheriff has been putting some more

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1 Q Okay. Are you familiar with the  
2 requirements involving a psychological evaluation to  
3 be a peace officer in Oklahoma?

4 A Yes.

5 Q Do you have any written guidance or policy  
6 that would require your agency to investigate the  
7 adequacy of that certification when presented by  
8 somebody that is seeking reciprocity?

9 A We will submit it to C.L.E.E.T. and then  
10 C.L.E.E.T. will tell us if they're eligible for  
11 reciprocity or not.

12 Q Okay. So you will take the documents  
13 received from the applicant, and then you will pass  
14 that on to C.L.E.E.T. and then C.L.E.E.T. will make a  
15 determination on eligibility?

16 A The best I can understand -- because you  
17 went blank there for a second.

18 Q Oh, I'm sorry.

19 A Can you repeat that because I didn't --

20 Q Yeah. Absolutely. So I'm just trying to  
21 repeat my understanding so that if it's wrong you can  
22 say, no, that's not right.

23 Is it frozen on you or can you see me?

24 A You freeze every now and then, so --

25 Q Yeah. Just let me know if it does freeze

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1 and we can start again.

2 Yeah. So what I was just trying to confirm  
3 was -- so what happens is the applicant to your  
4 agency submits the paperwork to you guys as part of  
5 the hiring process, and then you will take that  
6 documentation and provide it to C.L.E.E.T. and then  
7 C.L.E.E.T. will make a determination as to the  
8 eligibility of that applicant?

9 A Yes, they'll tell us what they would  
10 require to attend the academy and what they would  
11 need.

12 Q Okay. So in the context of, like, the  
13 psychological evaluation, if someone like Keith Knoll  
14 had a psychological evaluation that was done in Texas  
15 and he presents that to you as part of the hiring  
16 process, do you do -- do you have any guidance or any  
17 policies that would require your office or your staff  
18 to determine if that certification is adequate under  
19 Oklahoma law, or do you take that document and send  
20 it to C.L.E.E.T. and have C.L.E.E.T. make that  
21 determination?

22 A I send it to C.L.E.E.T., sir.

23 Q Okay. And that's how your agency operated,  
24 at least back at the time Mr. Knoll was hired,  
25 correct?

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1 A Yes, sir.

2 Q Okay. Does it operate differently now?

3 A Well, if they are not certified in another  
4 state, then we will give them an MMPI. But if  
5 Oklahoma honors the other state, my understanding  
6 from C.L.E.E.T. is then they'll send us a deal saying  
7 they're eligible for reciprocity.

8 Q Okay. Got it. Tell me a little bit  
9 about -- just in terms of your office. We talked a  
10 little bit about kind of the hiring process.

11 Tell me your -- I guess what you would call  
12 "onboarding." How -- when you're bringing a new hire  
13 on, how do you -- or what do you do, if anything, for  
14 somebody who's going to be, you know, serving in the  
15 role of, like, a patrol deputy?

16 MR. POE: Object to the form.

17 THE WITNESS: It depends on if they're  
18 certified or not.

19 Q (By Mr. Bryan) Okay. Let's say they're not  
20 certified, what do you do?

21 A If they're not certified, they'll work with  
22 somebody until we get them into the academy. And if  
23 they're not -- if they're not -- have done the job  
24 before. If they're -- if they're certified or  
25 eligible for certification, they'll -- they'll learn

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1 persons?

2 A Yes, sir.

3 Q Did you listen to the audio recordings of  
4 those interviews?

5 A No, sir.

6 Q Okay. So if something was discussed in the  
7 audio interview with the OSBI agent and was not  
8 reflected in the written narrative, you wouldn't have  
9 knowledge or information about that, correct?

10 A Correct, sir.

11 Q Do you ever listen -- I mean, I assume this  
12 is not the first OSBI report that you have received?

13 A First officer-involved shooting I've had.

14 Q Yeah, fair enough, but I -- OSBI  
15 investigates a lot of things and I -- as a sheriff  
16 since 2017, I assume that you've looked at more than  
17 one OSBI report?

18 A Yes, on homicides and stuff they work.

19 Q When you receive those materials from the  
20 OSBI and they have the narrative summary of the  
21 interview, do you ever go back and listen to the  
22 audio?

23 A No, sir.

24 Q Why not?

25 A Because when I get a report on it, it's

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1 Q So that would not have factored into your  
2 hiring decision?

3 A No.

4 MR. BRYAN: Okay. I'll introduce Knoll's  
5 employment application as Exhibit Number 1.

6 (Whereupon, Exhibit Number 2 was marked for  
7 identification purposes and made a part of the  
8 record.)

9 Q (By Mr. Bryan) All right. Sheriff, can you  
10 see my screen here?

11 A Barely. Pretty blurry.

12 Q Is that better?

13 A Can you go just a little bit further, sir?  
14 All right. Thank you, sir. I can see it  
15 there.

16 Q Okay. Have you seen this document before?

17 A That's a -- like a Texas MMPI.

18 Q Okay. This is the Licensee Psychological  
19 and Emotional Health Declaration that Keith Knoll  
20 submitted to your agency.

21 Do you have any reason to disagree with  
22 that?

23 A I don't have a -- I wouldn't -- I mean, it  
24 would be -- he would need that to attend C.L.E.E.T.,  
25 yes.



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1 Q And you understand that the psychological  
2 evaluation must be completed by an Oklahoma licensed  
3 psychologist, right?

4 A They --

5 MR. POE: Object to the form.

6 Go ahead.

7 THE WITNESS: I'm sorry.

8 MR. POE: Go ahead.

9 THE WITNESS: They have never told me that.  
10 I've hired people from Virginia to everywhere else.  
11 C.L.E.E.T. has never told me that.

12 Q (By Mr. Bryan) But when you read the  
13 statutory language, that's exactly what it says, is  
14 it not?

15 A Yes, but they --

16 MR. POE: Object -- oh, go ahead. Go  
17 ahead.

18 THE WITNESS: Sorry.

19 MR. POE: Go ahead. You're good.

20 THE WITNESS: Yes, but they -- they accept  
21 them every time.

22 Q (By Mr. Bryan) Okay. And C.L.E.E.T. has  
23 never not accepted those, right?

24 A They've never had no problem with them.  
25 I've hired people from -- when I worked for the drug

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1 task force we hired people that's transferred over  
2 from TECOLE.

3 I hired one from Virginia Beach that  
4 Oklahoma honored.

5 And some states they don't honor, like  
6 Kansas.

7 Q Okay. And have they ever told you -- other  
8 than just accepting them, have they ever told you,  
9 that, hey, if somebody's coming on from Texas, they  
10 don't need to have an Oklahoma licensed psychologist  
11 do their --

12 A They have never -- to this day they have  
13 never told me nothing about --

14 Q Got it. Okay.

15 A Let's just send me a letter saying they're  
16 acceptable for reciprocity after you send the stuff  
17 to them and give you a date for them to be at the  
18 academy.

19 Q Say that again. They send you a letter  
20 that says what?

21 A Well, letter or email. Used to be letters,  
22 but everything since COVID is email now. And telling  
23 you the dates that they've been accepted and the  
24 dates they'll go to the academy.

25 Q Okay.

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1           A       With TECOLE, its reciprocity is only legal  
2       block. They don't have to go through nothing else.  
3       Oklahoma and Texas honor, so -- their training.

4           Q       Right. But no one's ever told you that the  
5       psychological evaluation is not required?

6           A       Say that again.

7           Q       No one's ever told you that a psychological  
8       evaluation by an Oklahoma licensed psychologist is  
9       not required?

10          A       No, they never told me either way. They  
11       told me -- I've always been under the impression this  
12       was acceptable to use.

13          Q       And that belief was based upon C.L.E.E.T.  
14       just accepting the notice of employment that you guys  
15       send to them?

16          A       Yes. I mean, they usually correct us on  
17       anything else that they need done, so, I mean --

18          Q       Okay. Fair enough.

19               MR. BRYAN: I'll introduce that Texas  
20       psychological evaluation as Exhibit 2.

21               (Whereupon, Exhibit Number 3 was marked for  
22       identification purposes and made a part of the  
23       record.)

24          Q       (By Mr. Bryan) All right. Can you see my  
25       screen here?